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OFFICE OF PETITIONS

In re Application of :
Hoo et al. :
Application No. 10/664,342 : ON PETITION
Deposited: September 17, 2003 :
Attorney Docket No.: 659/1770 :
Title: WET ROLL HAVING UNIFORM :
COMPOSITION DISTRIBUTION :

This is a decision on the petition to accord filing date filed June 17, 2004, requesting that the above-identified application be accorded a filing date of September 17, 2003.

Application papers in the above-identified application were deposited on September 17, 2003. However, on May 10, 2004 the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.¹

In response, 10 sheets of drawings, including figures 1-15 and the present petition were filed on June 17, 2004. The petition contends that the application as filed contained 10 sheets of drawings including figures 1-15 and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "10 sheets Formal Drawings" on September 17, 2003.

Applicant's postcard receipt is prima facie² evidence that drawings were received on September 17, 2003, but no drawings are present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is

¹See 35 U.S.C. 111(a)(4)

²A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

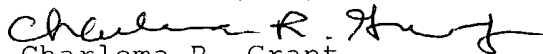
concluded that 10 sheets of drawings, including figures 1-15, were received on September 17, 2003, as shown in counsel's file, and later misplaced in the Office.

The petition is Granted. No petition fee is due. Deposit account 23-1925 has been credited the \$130.00 petition fee.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on June 17, 2004, will be used for processing and examination purposes.

The application will then be returned to the Office of Initial Patent Examination for further processing with a filing date of September 17, 2003, using the 10 sheets of drawings supplied on June 17, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251 until September 24, 2004 thereafter (571) 272-3215.


Charlema R. Grant
Petition Attorney
Office of Petitions